

53US #2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 20 2004

TECH CENTRAL PROPERTY

Applicants

Jiangchun Xu et al.

Application No.

09/232,880

Filed

January 15, 1999

For

COMPOUNDS FOR IMMUNODIAGNOSIS OF PROSTATE

CANCER AND METHODS FOR THEIR USE

Examiner

Alana M. Harris, Ph.D.

Art Unit

1642

Docket No.

210121.428C6

Date

October 15, 2004

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181

Commissioner for Patents:

Applicants hereby petition the Commissioner to withdraw the Notice of Abandonment mailed March 5, 2004 for failure to timely file a proper reply to an Office Action mailed June 17, 2003 in the above-referenced application.

Applicants note that a Request for Continued Examination was timely filed on October 16, 2003. Applicants enclose herewith the following supporting documentation:

- 1. A copy of the return receipt postcard date stamped October 16, 2003;
- 2. A copy of the Express Mail label showing the Amendment was mailed on October 16, 2003; and

3. A copy of the Request for Continued Examination and Transmittal Documents as filed.

Accordingly, applicants hereby request the withdrawal of the improper holding of abandonment and entry of the Request for Continued Examination filed October 16, 2003. Should questions remain, the Examiner is invited to contact applicants' representative, Jeffrey Hundley, Ph.D. by telephone at 206-622-4900 or by email at JeffH@seedIP.com.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

Jeffrey Hundley, Ph.D., Patent Agent

Registration No. 42,676

JEH:tt

Enclosures:

Postcard Copy of Return Receipt Postcard Copy of the Express Mail Label Copy of the Request for Continued Examination and Transmittal Documents as filed

701 Fifth Avenue, Suite 6300 Seattle, Washington 98104-7092

Phone: (206) 622-4900 Fax: (206) 682-6031

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Express Mail No EV 330517 2 210121.428C6

JEH:tt
SENT: October 16, 2003

Commissioner for Paragraphic RCE REQUEST
P.O. Box 1450

Alexandria, VA 22313-1450

Kindly acknowledge receipt of the below-listed documents by placing your receiving stamp hereon and mailing:

Check; Request for Continued Examination Transmittal; Fee Transmittal (+ copy); Petition for Extension of Time; in re: Jiangchun Xu et al., USAN 99/232,880, filed January 15, 1999, for COMPOUNDS FOR IMMUNOTHERAPY OF PROSTATE CANCER AND METHODS FOR THEIR USE.

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC

Express Mail No EV335610853US

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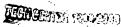
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16, 2003

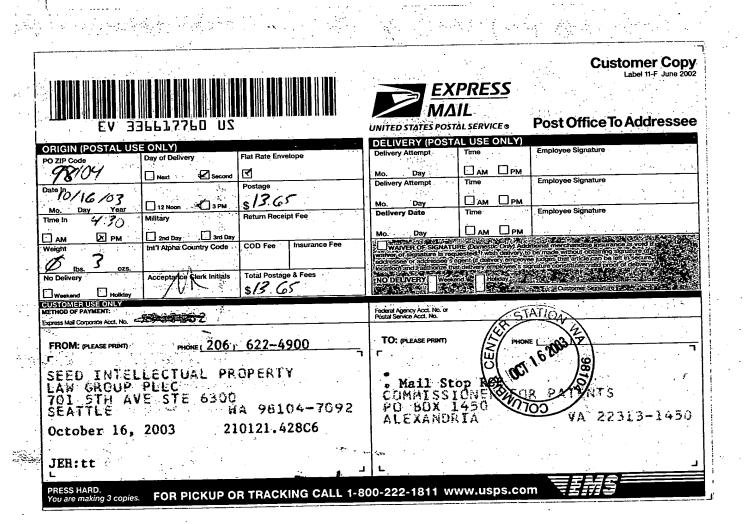
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EXP ESS MAIL NO. EV336617760US

PTO/SB/30 (08-03)

Appro suse through 07/31/2006, OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond

REQUEST					
EOD					

CONTINUED EXAMINATION **TRANSMITA**

Address to:

Mail Stop RCE **Commissioner for Patents** P.O. Box 1450 Alexandria, VA 22313-1450



Application Number	ess it displays a valid OMB control number. 09/232,880				
Filing Date	January 15, 1999				
First Named Inventor	Jiangchun Xu				
Art Unit	1642				
Examiner Name	Alana Harris				
Attorney Docket Number	210121.428C6 IIII EMER 180				

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1.	Submission required under 37 C.F.R. § 1.114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).										
,	a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.										
	i.	Consider the arguments in the Appeal Brief or Reply Brief previously filed on									
	ü.										
	b. Enclosed										
	i.	∐ Am	endment/Reply	iii.	[] In	formation Disclosure S	Statement (IDS)				
	ii	Affic	davit(s)/Declaration(s)	iv.		ther	` ,				
2.	Miscel	ellaneous									
	a. []	a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)									
	b. 📗	Other									
3.	Fees	The	RCE fee under 37 C.F.R. § 1.17(e) is required by 3	C.F.R. § 1.1	14 when	the RCE is filed.					
•	a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 19-1090.										
	i.,	RCI	RCE fee required under 37 C.F.R. § 1.17(e)								
	ii.		Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)								
	iii.										
	b. 🛛										
	с. 📗		ent by credit card (Form PTO-2038 enclosed)								
		M	VARNING: Information on this form may become	public. Cre	dit card	information should not	be included on this form.				
		P	rovide credit card information and authorization	on PTO-2031	3.	· · · · · · · · · · · · · · · · · · ·					
	•		SIGNATURE OF APPLICANT, ATT	ORNEY, O	R AGE	NT REQUIRED					
Name (Print /Type)			Jeffrey Hundley, Ph.D., Patent Agent	Registr	Registration No. (Attorney/Agent) 42,676						
Signature				Date		October 16, 2003					
CERTIFICATE OF MAILING OR TRANSMISSION											
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450 Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark											
Name (Print /T	ype)									
Signatu	ire	-		Date							
This c	offection o	informati	ion is required by 37 CER 1.114. The information is			· · · · · · · · · · · · · · · · · · ·					

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 425230_1.DOC